

CHAPTER 8.

County/Tribal Planning Issues

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CHAPTER 8.

County/Tribal Planning Issues

A. Coordinating With Tribal Governments

There are 27 federally recognized tribal governments within Washington. These include the following, described in greater detail in Part B, "Indian Tribes of Washington State."

INDIAN TRIBES OF WASHINGTON STATE

Western Washington

Confederated Tribes of the Chehalis
Reservation
The Lummi Nation
Muckleshoot Tribe
The Nisqually Indian Community
Nooksack Indian Tribe
Suquamish Tribe of the Port Madison
Reservation
The Puyallup Tribe
Samish Indian Nation
Sauk-Suiattle Tribe
Shoalwater Bay Tribe
Skokomish Tribe
The Stillaguamish Tribe
Swinomish Indian Tribal Community
Tulalip Tribes
Upper Skagit Tribe

Olympic Peninsula

The Hoh Indian Tribe
Jamestown SKlallam Indian Tribe
The Lower Elwah Tribal Community
Makah Reservation, Makah Tribe
The Quileute Tribe
Quinault Indian Nation
Port Gamble SKlallam Indian Community
Squaxin Island Tribe

Eastern Washington

Confederated Tribes of the Colville
Reservation
Kalispell Indian Community
Spokane Tribe
Confederated Tribes of the Yakima Indian
Reservation

These governments are not subdivisions of the state, but political entities, predating the U.S. Constitution and the colonization of this continent. Determined through early case law to be "domestic dependent nations," subject to the plenary powers of Congress, tribes have retained inherent sovereign powers and are recognized as distinct, independent, political communities.

There are 25 Indian reservations within Washington state. Many were formed following a series of treaties in the mid-1850's, known as the "Stevens Treaties" after the Territorial Governor Isaac Stevens. Subsequent to these treaties, reservations of a number of treaty tribes were modified or enlarged by statute or executive order.

Together, the reservations comprise more than eight percent of Washington's land base. The tribes also reserve certain rights to natural resources—specifically, the right to fish, to hunt, and to gather shellfish, roots, berries and other foods. These are treaty-protected rights under the U.S. Constitution.

1. Sources of Tribal Government Authority

The source of tribal government authority is different from that of state and local governments, which derive their power from the Constitution, state enabling legislation and administrative codes. In the case of tribes, each tribe derives its authority from its own internal laws. Virtually every one of these is the subject of one or more federal treaties or statutes that deal with it in individualized terms. Some tribes operate under their own constitutions, which are adopted by their membership and approved by the federal government pursuant to the Indian Reorganization Act of 1934. Other tribes operate under constitutions not related to the Act, and still others have no constitution at all.

2. Functions of Tribal Governments

Not only do tribal governments differ from state and local governments with regard to their source of power, they also differ with regard to their purpose. In addition to such standard governmental functions as regulating, taxing and delivering services, tribal governments act to preserve and protect tribal culture, the tribal community and off-reservation treaty rights. As major landowners, tribal governments are responsible for the development, management and operation of tribal economic enterprises.

Functions of tribal governments include:

FUNCTIONS OF TRIBAL GOVERNMENTS

Executive Actions (similar to those taken by the governor of a state or the president of the United States)

Legislative Actions (similar to those taken by the state legislature or the U.S. Congress)

General Government Administration (personnel management, budgeting, capital programming, intergovernmental affairs)

Public Safety (police protection, tribal courts and prosecution, other legal services, fire suppression, emergency medical response)

Health Care (mental health counseling, medical services, dental services, environmental health)

Public Works/Engineering/Infrastructure Development (roads, sewers, water, cable television, facilities management, etc.)

Planning and Community Development¹ (comprehensive planning, zoning and land development regulation, environmental protection)

Education (Headstart, K-12 schooling, remedial schooling and GED testing, vocational schooling, college schooling, scholarship support)

Social Service Provision (daycare services, recreation services, youth and elderly services, child welfare and protective services)

Historically, tribal and local governments have not interacted extensively with one another, notwithstanding their interwoven interests and neighbor status. As a result, they find themselves today with little experience in intergovernmental dealings, few lines of communication and limited understanding of how each functions. These factors often prove to be major obstacles to intergovernmental cooperation and coordination, and generally inhibit collaborative ventures.

3. Tribal Short Course

To assist those tribes and local governments interested in developing government-to-government relations, the Planning Association of Washington, in partnership with the Northwest Renewable Resources Center and the Northwest Tribal Planners Forum, has developed a short course on tribal/local government cooperation.

Available as a segment of the standard Short Course on Local Planning, or as a tailored special short course, the Tribal Short Course provides an introduction to a rich and complex subject, solid background information, and models of

cooperation for Indian and non-Indian governments. A compendium of materials has been compiled to supplement the presentation, containing a broad range of basic information drawn from a wide variety of existing sources.

Please contact Ted Gage, Short Course Coordinator, for more information, at (360) 586-8971.

B. Indian Tribes of Washington State

The following table presents key information about Washington state's tribal governments and their reservations. Facts for each entry include the location of the reservation by county; address and telephone/fax numbers of the tribal headquarters; number of enrolled members; reservation population, including the number of Indian and non-Indian residents; reservation size in acres; the date established; a brief history of the reservation; and an overview of the structure and function of the tribal government.

Confederated Tribes of the Chehalis Reservation

LOCATION: Grays Harbor County and Thurston Co.
TRIBAL HEADQUARTERS ADDRESS:
P.O. Box 536
Oakville, Washington 98568
(360) 273-5911 FAX: 273-5914
ENROLLED MEMBERS: 546
RESERVATION POPULATION
INDIAN: 400 NON-INDIAN: 200
TOTAL POPULATION: 600
SIZE (ACRES)
INDIAN: 2,067 NON-INDIAN: 2,158
TOTAL: 4,225
ESTABLISHED: By executive order July 1, 1939
TRIBES: Chehalis, Kwaiaik and Cowlitz
GOVERNMENT: Constitution and bylaws were approved by the Commissioner of Indian Affairs in 1939. The reservation's chief governing body, the Chehalis Community Council, is composed of all qualified voters on tribal rolls. The Council elects a five-member Business Council that manages the tribe's property and assets, administers tribal funds and programs, and enforces ordinances. Each council member serves two-year terms. The Confederated Tribes of the Chehalis are a non-treaty tribe, but have water rights.

The Hoh Indian Tribe

LOCATION: Jefferson County
TRIBAL HEADQUARTERS ADDRESS:
HC 80 Box 917
Forks, Washington 98331
Hoh Tribal Business Council
2464 Lower Hoh Road
Forks, Washington 98331
(360) 374-6582 FAX: 374-6549
ENROLLED MEMBERS: 150
RESERVATION POPULATION
INDIAN: 66 NON-INDIAN: 35
TOTAL POPULATION: 101
SIZE (ACRES)
INDIAN: 443 NON-INDIAN: 0
TOTAL: 443
ESTABLISHED: By executive order in 1893.
TRIBES: Hoh
GOVERNMENT: The Tribe approved the 1934 Indian Reorganization Act and adopted a constitution in 1969. The Hoh Tribal Business Committee, chosen biennially, is the tribe's governing body. Composed of four members, it manages tribal property and assets, administers funds, and enforces ordinances. The Hoh retained treaty fishing rights and are a member of the Northwest Indian Fisheries Commission.

Confederated Tribes of the Colville Reservation

LOCATION: Okanogan, Ferry Counties
TRIBAL HEADQUARTERS ADDRESS:
P.O. Box 150
Nespelem, Washington 99155
(509) 634-4711 FAX: 634-4116
ENROLLED MEMBERS: 8,231
RESERVATION POPULATION
INDIAN: 4,535 NON-INDIAN: 3,157
TOTAL: 7,692
SIZE (ACRES)
INDIAN: 1,120,000 NON-INDIAN: 280,000
TOTAL: 1,400,000
ESTABLISHED: By executive order in 1872.
TRIBES: Colville, Entiat, Methow, Nespelem, Nez Perce, Sinkaietk, Palouse, Sanpoil, Senijextee, Sinkiuse and Wenatchee
GOVERNMENT: Constitution and bylaws were approved by referendum in 1938. The Colville Business Council, the chief governing body of the reservation, manages the tribe's property and assets, administers tribal funds and programs, and enforces ordinances. Composed of 14 members elected by tribal enrollees for two-year terms, the Council chooses an executive committee from within its ranks.

Jamestown S'Klallam Indian Tribe

LOCATION: Clallam County
TRIBAL HEADQUARTERS ADDRESS:
305 Old Blyn Highway
Sequim, Washington 98382
(360) 683-1109 FAX: 683-4366
ENROLLED MEMBERS: 216
RESERVATION POPULATION (No Reservation but have tribally owned land)
INDIAN: 4 NON-INDIAN: 18
TOTAL: 22
SIZE (ACRES)
INDIAN: 210 NON-INDIAN: 0
TOTAL: 210
ESTABLISHED: Officially recognized by the United States in 1981.
TRIBES: Jamestown S'Klallam
GOVERNMENT: Upon receiving federal recognition in 1981, treaty fishing rights and other privileges were restored to the Jamestown S'Klallam. They became a sovereign political entity capable of government-to-government relationships with the United States. Their governing Business Council consists of five members elected to two-year terms on staggered basis. The Jamestown S'Klallam joined the Port Gamble and Lower Elwah S'Klallams and Skokomishes in 1981 to form the Point-No-Point Treaty Council, which makes fishery management decisions. They are also represented on the Northwest Indian Fisheries Commission.

Kalispell Indian Community

LOCATION: Pend O'reille
TRIBAL HEADQUARTERS ADDRESS:
P.O. Box 38
Lisk, Washington 99180
(509) 445-1147 FAX: 445-1705
ENROLLED MEMBERS: 240
RESERVATION POPULATION
INDIAN: 91 NON-INDIAN: 9
TOTAL: 100
SIZE (ACRES)
INDIAN: 4,600 NON-INDIAN: 0
TOTAL: 4,600
ESTABLISHED: By executive order in 1914.
TRIBES: Lower Kalispell
GOVERNMENT: The Kalispell accepted the 1934 Indian Reorganization Act, and chartered a constitution in 1939. Revised in 1967, it provides for the Kalispell Indian Council to be the tribal governing body. The five council members are each elected to three-year terms.

The Lummi Nation

LOCATION: Whatcom County
TRIBAL HEADQUARTERS ADDRESS:
2616 Kwina Road
Bellingham, Washington 98226
(360) 734-8180 FAX: 384-4737
ENROLLED MEMBERS: 4,012
RESERVATION POPULATION
INDIAN: 1,594 NON-INDIAN: 1,553
TOTAL: 3,147
SIZE (ACRES)
INDIAN: 8,879.9 NON-INDIAN: 3,492.2
TOTAL: 12,372.11 (21,000 with tidelands)
ESTABLISHED: By Point Elliot Treaty in 1855 and enlarged by executive order in 1873.
TRIBES: Lummi, Nooksak, Samish
GOVERNMENT: A constitution adopted in 1970 gives broad powers to the Business Council. Elected to three-year (staggered) terms, the eleven members of the Council elect tribal officers from within their numbers. The council administers funds and social programs, oversees tribal businesses, and enforces ordinances. The Lummis have treaty fishing rights and are a member of the Northwest Indian Fisheries Commission.

The Lower Elwah Tribal Community

LOCATION: Clallam County
TRIBAL HEADQUARTERS ADDRESS:
2851 Lower Elwah Rd.
Port Angeles, Washington 98363
(360) 452-8471 FAX: 452-3428
ENROLLED MEMBERS: 646
RESERVATION POPULATION
INDIAN: 130 NON-INDIAN: 7
TOTAL: 137
SIZE (ACRES) 590
INDIAN: 590 NON-INDIAN: 0
TOTAL: 590
ESTABLISHED: Reservation land was purchased on behalf of the tribe by the United States government in 1936 under the 1934 Indian Reorganization Act.
TRIBES: Lower Elwah S'Klallam
GOVERNMENT: A constitution was approved in 1968 that established the Lower Elwah Tribal Community Council, a sovereign political unit composed of the community's qualified voters. The council elects members to a five-member Business Council for two-year terms to manage the tribe's property and assets, administer tribal funds and programs, and enforce ordinances. The Lower Elwah possess treaty fishing rights and participate in both the Point-No-Point Treaty Council and the Northwest Indian Fisheries Commission.

Makah Reservation, Makah Tribe

LOCATION: Clallam County
TRIBAL HEADQUARTERS ADDRESS:
P.O. Box 115
Neah Bay, Washington 98357
(360) 645-2201 FAX: 645-2323 and 645-2033
ENROLLED MEMBERS: 2,100
RESERVATION POPULATION
INDIAN: 1,348 NON-INDIAN: 402
TOTAL: 1,750
SIZE (ACRES)
INDIAN: 29,854 NON-INDIAN: 290
TOTAL: 30,144
ESTABLISHED: By treaty in 1855, enlarged by executive order in 1872, 1873 and 1995.
TRIBES: Makah
GOVERNMENT: The Makahs voted to accept the Indian Reorganization Act of 1934 and approved a constitution in 1936. The five-member Makah Tribal Council is elected to serve staggered three-year terms. The Council administers tribal assets, resources, funds, social programs, and ordinances. The Makah have treaty fishing rights and are a member of the Northwest Indian Fisheries Commission.

Muckleshoot Tribe

LOCATION: King County
TRIBAL HEADQUARTERS ADDRESS:
39015 172 Avenue Southeast
Auburn, Washington 98002
(206) 939-3311 FAX: 939-5311
ENROLLED MEMBERS: 850
RESERVATION POPULATION
INDIAN: 864 NON-INDIAN: 2,977
TOTAL: 3,841
SIZE (ACRES)
INDIAN: 1,580 NON-INDIAN: 2,270
TOTAL: 3,850
ESTABLISHED: By executive order in 1857, based on 1854 treaty.
TRIBES: Bukshul, Skopahmish, Smulkamish
GOVERNMENT: The Muckleshoot Tribe approved a constitution establishing the Muckleshoot Indian Tribal Council as a sovereign political entity in 1936. The Council consists of nine members elected for three-year terms in groups of three. It levies taxes, oversees businesses, and enforces tribal ordinances. The Muckleshoot have treaty fishing rights and are members of the Northwest Indian Fisheries Commission.

Nooksack Indian Tribe

LOCATION: Whatcom County
TRIBAL HEADQUARTERS ADDRESS:
P.O. Box 157
Deming, Washington 98244
(206) 592-5176 FAX: 592-5753
ENROLLED MEMBERS: 1,060
RESERVATION POPULATION
INDIAN: 412 NON-INDIAN: 144
TOTAL: 556
SIZE (ACRES)
INDIAN: 10 (plus 2,900 in fragmented allotments)
NON-INDIAN: 0
TOTAL: 10
ESTABLISHED: The Nooksack received federal recognition in 1973 and established a reservation of approximately nine-tenth's of an acre that they have slowly increased.
TRIBES: Nooksack
GOVERNMENT: After the tribe was federally recognized in 1973, they established the Tribal Council of the Nooksack. The eight-member Council conducts tribal business affairs. Each council member is elected to a four-year term. The Nooksack have treaty fishing rights and participate in the Northwest Indian Fisheries Commission.

The Nisqually Indian Community

LOCATION: Pierce and Thurston Counties
TRIBAL HEADQUARTERS ADDRESS:
4820 She-Nah-Num Drive Southeast
Olympia, Washington 98503
(206) 456-5221 FAX: 438-2375
ENROLLED MEMBERS: 425
RESERVATION POPULATION
INDIAN: 365 NON-INDIAN: 213
TOTAL: 578
SIZE (ACRES)
INDIAN: 1,007 NON-INDIAN: 3,693
TOTAL: 4,700
ESTABLISHED: By the Medicine Creek Treaty in 1854, enlarged by executive order in 1857 and reduced in 1917.
TRIBES: Nisqually
GOVERNMENT: The Nisqually tribe organized under the provisions of the 1934 Indian Reorganization Act, and approved a constitution in 1946. The Nisqually Council is a sovereign political entity and the primary governing body of the reservation. Its seven members manage tribal assets, administer tribal funds and programs and enforce ordinances. Each member is elected for a two-year term. The Nisqually have treaty fishing rights and are represented on the Northwest Indian Fisheries Commission.

Suquamish Tribe of the Port Madison Reservation (Suquamish Indian Tribe)

LOCATION: Kitsap County
TRIBAL HEADQUARTERS ADDRESS:
P.O. Box 498
Suquamish, Washington 98392
(360) 598-3311 FAX: 598-6295
ENROLLED MEMBERS: 906
RESERVATION POPULATION
INDIAN: 1,000 NON-INDIAN: 4,436
TOTAL: 5,446
SIZE (ACRES)
INDIAN: 2,849 NON-INDIAN: 4,436
TOTAL: 7,285
ESTABLISHED: By the 1855 Point Elliott Treaty, enlarged by act of Congress in 1864.
TRIBES: Suquamish, Duwamish
GOVERNMENT: The Suquamish Tribe approved a constitution in 1965 that created a sovereign seven-member council to enforce ordinances and govern the tribe's assets, programs, and businesses (including a salmon hatchery). Each council member serves a three-year term. The Suquamish have treaty fishing rights and are a member of the Northwest Indian Fisheries Commission.

The Puyallup Tribe

LOCATION: Pierce County
TRIBAL HEADQUARTERS ADDRESS:
2002 East 28th Street
Tacoma, Washington 98404
(206) 597-6200 FAX: 593-0197
ENROLLED MEMBERS: 2,036
RESERVATION POPULATION
INDIAN: 1,830 NON-INDIAN: 79,054
TOTAL: 80,884
SIZE (ACRES)
INDIAN: 408 NON-INDIAN: 17,654
TOTAL: 18,062
ESTABLISHED: By the Medicine Creek Treaty of 1854, enlarged by executive order in 1857 and 1873.
TRIBES: Puyallup
GOVERNMENT: The Puyallup Tribal Council is a sovereign political entity formed under a tribal constitution adopted in 1936. The council is composed of seven elected members serving three-year terms. It manages tribal assets and businesses, and enforces ordinances. The Puyallup was at the forefront of the struggle to retain treaty fishing rights and is a member of the Northwest Indian Fisheries Commission.

Quinault Indian Nation

LOCATION: Jefferson, Grays Harbor Counties
TRIBAL HEADQUARTERS ADDRESS:
P.O. Box 189
Taholah, Washington 98587
(360) 276-8211 FAX: 276-4191
ENROLLED MEMBERS: 2,727
RESERVATION POPULATION
INDIAN: 1,415 NON-INDIAN: 410
TOTAL: 1,825
SIZE (ACRES)
INDIAN: 145,705 NON-INDIAN: 62,445
TOTAL: 208,150
ESTABLISHED: By Quinault River Treaty in 1856, enlarged by executive order in 1872.
TRIBES: Quinault, Queet, Hoh, Ozette, Chehalis, Chinook, and Cowlitz
GOVERNMENT: The Quinault Tribe accepted the 1934 Indian Reorganization Act, and adopted a constitution in 1975. The Quinault General Council is a sovereign political entity composed of all tribe members, but has delegated legislative authority to an eleven-member Quinault Business Committee. The members of the Business Committee serve three-year terms and also constitute the Quinault Nation Executive Office, which manages tribal lands and assets, provides social services, and enforces tribal ordinances. The Quinault Tribe has treaty fishing rights and participates in the Northwest Indian Fisheries Commission.
